

REMARKS/ARGUMENTS

Reconsideration is requested. Claims 1-32 are currently pending. Responsive to the Final Office Action of January 21, 2010, the Examiner's comments and the cited art have been noted and studied. For reasons to be set forth in detail below, it is respectfully submitted that the present application is in condition for allowance, and such action is requested.

Claims 1-8 and 12-17 are rejected under 35 USC 102(e) as being anticipated by Blomquist (US 2003/0163090). The rejection is obviated by amendments made to independent claims 1 and 19. In view of the Examiner's comments with regard to Applicants' prior response and in order to expedite prosecution of this application, amended claim 1 now explicitly recites that the primary and secondary vents are configured to provide multiple, independent pathways to atmosphere for venting the medical infusion device.

In contrast, US 2003/0163090 (Blomquist) describes a medication pump with three distinct chambers - cartridge chamber (80), interior of pump housing (14), and battery chamber (114). There are two vents described by Blomquist. A first vent (36) in the pump outer housing (14), which facilitates pressure equalization between the interior of the pump housing (14) and the exterior of the pump. A second vent (108) in the exterior wall (82) of the cartridge chamber (80), which facilitates pressure equalization between the cartridge chamber (80) and the interior of the pump housing (14). These two vents must work in series to facilitate pressure equalization between the cartridge chamber (80) and exterior of the pump. Blomquist, however, does not describe a second independent vent path to facilitate pressure equalization between the cartridge chamber (80) and the exterior of the pump. Such a second independent vent path would ensure pressure equalization between the cartridge chamber (80) and exterior of the pump housing (14) in the event either vent (36 or 108) became occluded. It is not obvious from the description of the invention that a second, independent, vent path was anticipated by Blomquist et al. There is no mention of redundancy in venting to mitigate an occluded vent, nor are features described that would facilitate a second independent vent path for the cartridge chamber (80).

For these reasons, it is asserted that the amendment to claims 1 and 19 overcomes the outstanding rejection. Therefore, each of the remaining rejections to claims 1-32 is moot and reconsideration is respectfully requested.

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance and applicants earnestly solicit early examination on the merits and issuance of a Notice of Allowance. Should the Examiner believe that any additional information or amendment is necessary to place the application in condition for allowance, he is urged to contact the undersigned Attorney via telephone at 484-356-1794 or facsimile number 610-644-8717.

The Commissioner is hereby authorized to charge any required fees due in connection with this submission, including petition and extension of time fees, and to credit any overpayment to Deposit Account No. 10-0750 (Docket No. ANM5177USNP/WJ) (Johnson & Johnson).

Respectfully submitted,

/ Wayne Jaeschke, Jr./

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By: _____

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